

Judge Brian A. Tsuchida

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff

v.

CHARLES E. WRIGHT

Defendant.

NO. CR12-391 BAT

GOVERNMENT'S SENTENCING
MEMORANDUM

The United States of America, by and through Jenny A. Durkan, United States Attorney for the Western District of Washington, and S. Kate Vaughan, Assistant United States Attorney for said District, files this Sentencing Memorandum in the above captioned matter.

Sentencing is scheduled for Wednesday, April 10 at 10 a.m. The government joins in the recommendation of the U.S. Probation office and respectfully requests that the Court impose a sentence of probation for a term of two (2) years, subject to the conditions set forth in the Probation Office's Sentencing Recommendation, and impose a fine of \$1,000.00.

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I. FACTUAL AND PROCEDURAL BACKGROUND

On January 4, 2013, the defendant, Charles Wright, entered a plea of guilty to a one-count Information, charging him with the unlawful opening and destruction of U.S. mail, in violation of Title 18, United States Code, Section 1703(b), a misdemeanor offense.

Between July 2010 and July, 2012, Wright, while employed by the United States Postal Service as a City Carrier assigned to the Des Moines Post Office, opened envelopes containing gifts cards and cash and stole the contents. Wright then destroyed the envelope and any greetings card or letter contained in the envelope by ripping the materials up and tossing out of the window of his US Mail truck. Wright spent the money to purchase marijuana, which he then smoked during the time he was supposed to be delivering the mail.

II. SENTENCING GUIDELINES CALCULATION

The government agrees with the Probation Office's Sentencing Guidelines calculations set forth in the Presentence Report ("PSR"), as set forth below:

Base Offense Level	6	USSG § 2B1.1(a)(2)
Abuse of Trust	+2	USSG § 3B1.3
Acceptance of Responsibility	-2	USSG § 3E1.1(a)

With no prior criminal history, Wright falls within Criminal History Category I. Therefore, with a total offense level of 6 and a Criminal History Category of I, Wright's guideline range of imprisonment for this offense is 0-6 months, falling within Zone A of the Sentencing Table. Section 5B1.1(a) of the Sentencing Guidelines authorizes a sentence of probation in this case. USSG § 5B1.1(a)(1).

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III. GOVERNMENT'S SENTENCING RECOMMENDATION

Title 18, United States Code, Section 3553 (a), sets forth factors for the Court to consider alongside the advisory Sentencing Guidelines range. Of those factors, two are of particular importance here; the nature and circumstances of the offense and the need to promote respect for the law, provide just punishment, and afford adequate deterrence.

The government views the crime of mail theft by mail carriers as a serious offense because of the particular sting to the community resulting from this grave breach of public trust. Individuals place their trust in the United States Postal Service that their gifts, business materials and often simple but meaningful messages of support or good wishes will be delivered. When this mail is stolen by the individual entrusted to safely deliver it, in addition to the resulting financial losses, it causes immeasurable harm because the sender may remain unaware their gift or message has not been received. Here, although the financial losses appear to be small, the defendant's mindless actions in stealing mail so he could support his marijuana habit – which he then smoked while he was supposed to be working delivering the mail, impacted not only the victims he stole from, but also impacted the reputation of the US Postal Service itself.

As several victims in this case stated:

"We look with suspicion. . . or more accurately caution . . . at our postal delivery person . . . US Postal workers have been in high regard by us until this incident. . .";

"The feeling that someone has been tampering with my personal history/life will never be resolved. I feel like I have been victimized. I do not trust the US mail system, I do not know how long it will take for me to trust them again, or if I will ever be able to trust them again. Once you are a victim it is hard to trust again."

This is Wright's first criminal offense, and, other than demonstrating extremely poor judgment in his selfish destruction of mail in order that he could purchase marijuana, Wright appears to have led a productive life. He also appears to be remorseful for his criminal conduct. However, he must be held accountable for his actions. Unlike

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1 many mail carriers who are convicted of stealing mail, Wright is fortunate in that he
 2 continues to receive his US Postal Service pension. The government submits that a
 3 sentence of probation for a term of two years and a fine of \$1,000.00 strikes an
 4 appropriate balance between the seriousness of the offense, the need to ensure
 5 appropriate respect for the law, and the history and characteristics of this particular
 6 defendant.

7 **IV. CONCLUSION**

8 For the reasons set forth above, the government respectfully requests that the
 9 Court impose a sentence of probation for a term of two (2) years, a fine of \$1,000.00, and
 10 restitution of \$468.95.

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 12 DATED this 4th April, 2013

13 Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on April 4, 2013, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the attorney of record for the defendant.

s/ Ryan Hebert

RYAN HEBERT

Legal Assistant

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